

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JOHN DOE #1 AND JANE DOE #1, *
JOHN DOE #1M, ET AL.

*

Plaintiffs
v. * Case No. 8:21-cv-0356-

MONTGOMERY COUNTY BOARD OF*
EDUCATION, ET AL.

*

Defendants
* * * * * * * * * * * * * * * * *

NOTICE OF REMOVAL

MONTGOMERY COUNTY BOARD OF EDUCATION, CASEY B. CROUSE,
VINCENT COLBERT, ERIC WALLICH, JOSEPH DOODY and JEFFREY K.
SULLIVAN, DEFENDANTS, by their undersigned counsel and pursuant to the
Federal Rules of Civil Procedure and 28 U.S.C. §§ 1441 and 1446, submit this
Notice of Removal and in support thereof state:

1. Plaintiffs John Doe #1 and Jane Doe #1, individually and as parents
and next friends of John Doe #1M, a minor; Jane Doe #2, individually and as
parent and next friend of John Doe #2M, a minor; John Doe #3 and Jane Doe
#3, individually and as parents and next friends of John Doe #3M, a minor
(collectively “Plaintiffs”), commenced a civil action in the Circuit Court for
Montgomery County, Civil Case No. 478907-V, by filing a Complaint on or about
February 6, 2020. The Montgomery County Board of Education; Casey B.
Crouse, former Principal of Damascus High School (“DHS”); Vincent Colbert,
former-DHS junior varsity football coach; Eric Wallich, former-DHS varsity
football coach; and Joseph Doody, former-DHS Athletic Director, were named as

Defendants (collectively “Defendants”). The initial Complaint alleged a single count of negligence against all Defendants.¹

2. Plaintiffs filed an Amended Complaint on January 15, 2021 (under seal), in which they added Jeffrey J. Sullivan as a Defendant and included counts of gross negligence, as well as federal claims against some of the Defendants. Specifically, Count VII of the Amended Complaint alleges that the Montgomery County Board of Education violated Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 and Counts VIII through X allege that Defendants Montgomery County Board of Education, Sullivan and Crouse violated Plaintiffs’ rights under the Fourteenth Amendment and purports to bring the claims through 42 U.S.C. § 1983.

3. This Court has original federal jurisdiction over this matter pursuant to 28 U.S.C. § 1331, in that Plaintiffs are alleging a violation of their rights under federal law; namely, that their rights under the Fourteenth Amendment and 20 U.S.C. § 1681 were violated.

4. Copies of all process, pleadings, documents and orders which have been served upon the Defendants are attached hereto. Pursuant to Local Rule 103.5, within thirty (30) days of the filing of this Notice of Removal, Defendants

¹ The case concerns allegations that Defendants neglected to provide supervision of the Damascus High School football team locker room after school but before practice, which, Plaintiffs contend, permitted alleged sexual assaults to occur therein. A second set of plaintiffs filed suit alleging the same in the Circuit Court for Montgomery County, Civil Case No. 478941-V (under seal). The two cases were consolidated, and Case No. 478907-V was designated as the lead case number.

will file true and legible copies of all other documents then on file in the state court, together with a certification from counsel that all filings made in the Circuit Court for Montgomery County, Civil Case No. 478907-V (under seal), have been filed in the United States District Court.

5. This Notice of Removal has been filed within thirty (30) days of the filing of the First Amended Complaint asserting federal causes of action.

6. All Defendants expressly consent to and join in this Notice of Removal.

7. Pursuant to the requirement of 28 U.S.C. § 1446(d), counsel for Defendants shall, promptly after the filing of this Notice of Removal, give written notice to all adverse parties and shall file a copy of this Notice with the Clerk of the Circuit Court for Montgomery County.

WHEREFORE, for the foregoing reasons, all of the Defendants in the above-captioned action consent to this request that this action now pending in the Circuit Court for Montgomery County be removed to the United States District Court for the District of Maryland.

Respectfully submitted,

MARC P. HANSEN
COUNTY ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of February 2021, a copy of the foregoing was electronically filed, with notice to:

William H. Murphy, Jr., Esquire

Edward L. Cardona III, Esquire

Malcolm P. Ruff, Esquire

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Attorneys for Plaintiffs John Doe #1, Jane Doe #1, John Doe #1M; Jane Doe #2, individually and as parent and next friend of John Doe #2M, a minor

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Counsel for Plaintiffs John Doe #3 & Jane Doe #3, individually and as parents and next friends of John Doe #3M, a minor

/s/ Jacquelyn Allen

*Counsel for Defendants Montgomery County
Board of Ed., Crouse, Colbert, Wallich and
Sullivan*